

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH J. MCFADDEN #182616,
Petitioner,

ORDER

v.
DEPARTMENT OF CORRECTIONS
LEGAL DEPT. and AGENT JENNIFER
LAWRENCE,
Respondents.

08-cv-239-slc

Petitioner Kenneth J. McFadden, a prisoner at the Dane County jail in Madison, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed because although petitioner has sent a check in the amount of \$50 he has not submitted a six-month trust fund account statement from which I can verify whether he qualifies for pauper status and if so, what amount he must pay as an initial partial payment of the \$350 filing fee. 28 U.S.C. § 1915(b).

Petitioner's complaint was submitted on April 5, 2008. His trust fund account statement should cover the six-month period beginning approximately October 5, 2007 and ending approximately April 5, 2008. Once petitioner has submitted the necessary statement, I will determine what amount petitioner must pay, if any, in addition to the \$50 payment he has submitted. If the amount petitioner owes is less than \$50, his complaint will be taken under advisement so that the court can screen the merits of his complaint under § 1915(e)(2). If the amount is more than \$50, petitioner will be required to make an additional payment to cover any amount he owes over \$50 before the court can screen his complaint.

ORDER

IT IS ORDERED that petitioner may have until May 19, 2008, in which to submit a trust fund account statement for the period beginning approximately October 5, 2007 and ending approximately April 5, 2008. If, by May 19, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 28th day of April, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge